

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
:
v. : **MAG. NO. 16-624-2-M**
:
MATTHEW SIMINERI :

ORDER

AND NOW, this _____ day of August, 2016, upon consideration of the Government's Motion for a Second Extension of Time within which the government must file an indictment or information and exclusion of time under the Speedy Trial Act, and the defendant and his counsel's consent to the extension of time, and based on the Court's findings pursuant to 18 U.S.C. § 3161(h)(8)(A) that failure to extend by an additional thirty days, under 18 U.S.C. §3161(b), within which the government must file an indictment in the instant case would be likely to result in a miscarriage of justice which outweighs the interests of the public and the defendant in a speedy trial due to the desire of the parties to further review the case and discuss a possible non-trial disposition, it is hereby ORDERED that the time period within which the government must file an indictment or information in this matter is extended for sixty days, to September 15, 2016, and that that period of time shall be excluded from all computations of time under the Speedy Trial Act (18 U.S.C. § 3161).

BY THE COURT:

HONORABLE RICHARD LLORET
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. : **MAG. NO. 16-624-2-M**

MATTHEW SIMINERI :

**GOVERNMENT’S MOTION FOR SECOND EXTENSION AND
EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America, by the undersigned attorney, with the consent of the defendant and his counsel, moves the court pursuant to 18 U.S.C. § 3161(h)(8)(A) for a second extension of the time within which the government must file an indictment or information in this case and the exclusion of time under the Speedy Trial Act, and in support thereof avers as follows:

1. On May 19, 2016, defendant Matthew Simineri was charged by Complaint and Warrant with one count of use of an interstate commerce facility to entice a minor to engage in illicit sexual conduct, in violation of 18 U.S.C. § 2422(b), and one count of using a child to pose for child pornography images, in violation of 18 U.S.C. § 2251(a).

2. Defendant Simineri was brought before the Magistrate Court that same date, May 19, 2016, at which time the Federal Defender's Office was appointed to represent him. On May 23, 2016, Simineri was arraigned and stipulated to probable cause. A detention hearing was held on that date and the defendant was detained pending trial.

3. The original date by which the government was to file an indictment or information was June 15, 2016, but was extended based on defense counsel's request for additional time to complete mental health evaluations of the defendant and gather information

regarding his schooling and mental health background. The court granted a 60 day extension, to August 16, 2016.

4. Defense counsel has requested an additional thirty day extension of time before the government files charges, as the mental health evaluation of the defendant was not able to be completed, in part because the defendant was transferred to the Special Housing Unit at the Federal Detention Center and was unavailable. Defendant requests this additional time to present mitigating evidence to the government before the indictment or information is filed.

5. The charges in this case are serious and involve mandatory periods of incarceration of at least 15 years, a statutory maximum of life imprisonment, and a preliminary Guideline range calculation of at least 292 to 365 months' incarceration. It is in the best interests of both parties to consider the information being collected by defense counsel before any final decision is made on indictment.

6. Counsel therefore jointly request a second extension of thirty days (30), pursuant to 18 U.S.C. § 3161, within which an indictment or information must be filed. Such a disposition would serve the public interest by more efficiently allocating judicial resources should a non-trial disposition be reached.

7. As the request was originally made by the defendant, he agrees to waive all rights under the Speedy Trial Act.

WHEREFORE, to prevent a miscarriage of justice, the parties respectfully request that the Court grant this motion and enter the attached order for extension and exclusion of time under the Speedy Trial Act.

Respectfully submitted,

ZANE DAVID MEMEGER
United States Attorney

/s Michelle Rotella
MICHELLE ROTELLA
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Motion for Extension and Exclusion of Time under the Speedy Trial Act has been served by me this date, by e-filing and email delivery, upon the following:

Kathleen Gaughan, Assistant Federal Defender
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/s Michelle Rotella
MICHELLE ROTELLA
Assistant United States Attorney

DATED: August 11, 2016.